

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
TUNECORE, INC.,

Plaintiff,

- against -

FARYAL KHAN-THOMPSON and AUDIO AND
VIDEO LABS, INC. d/b/a CD BABY,

Defendants.
-----X

:
:
: Case No. 1:23-cv-08721-AMD-
: RML

:
: **STIPULATED ORDER FOR**
: **TEMPORARY RESTRAINTS**
: **AND ORDER ADDRESSING**
: **FORENSIC EXAMINATION AS**
: **TO FARYAL KHAN-**
: **THOMPSON**

THIS MATTER having come before the Court on the motion by plaintiff TuneCore, Inc. (“TuneCore”) (Eric W. Moran, Esq., Epstein Becker & Green, P.C., appearing), and defendant Faryal Khan-Thompson (John P. Curley, Esq., Hoguet Newman Regal & Kenney LLP, appearing) (TuneCore and Khan-Thompson are hereinafter collectively referred to as the “Parties”) not opposing such motion; and United States Magistrate Judge Levy having convened a status conference on January 9, 2024, and having directed the Parties to engage in targeted discovery in anticipation of a settlement conference and to confer on the scope of such discovery, ECF Minute Entry, dated January 9, 2024; and the Parties having undertaken to so confer; and Judge Levy having further convened a teleconference for February 5, 2024, and having directed the Parties to further confer on the agreement on pre-settlement discovery ground rules and dates for a settlement conference, ECF Minute Entry, dated February 5, 2024; and the Parties having undertaken to so confer; and the Parties having agreed to a protocol for forensic examination of Khan-Thompson’s relevant accounts and devices; and for good cause shown; it is hereby

ORDERED, that until May 1, 2024, the defendant Faryal Khan-Thompson is temporarily restrained and enjoined from:

1. Accessing and/or attempting to access TuneCore's network, online and/or cloud-based accounts or systems, including but not limited to its Google Workplace Accounts and/or any of TuneCore's cloud-based servers and shared drives;
2. Disseminating and/or using any of TuneCore's confidential information, including but not limited to the documents and electronically stored information ("ESI") identified on Exhibit F to the declaration of Kevin Bodenheimer, dated November 27, 2023, and the information contained therein (collectively, "TuneCore's Confidential Information"), except as necessary to conduct a pre-settlement conference exchange of information , subject to an appropriate confidentiality stipulation and order;
3. Accessing, using, altering and/or deleting the online Google Workspace user account and credentials for any account associated with the username or email address faryal.khan.thompson@gmail.com, including any such account previously used to gain access to and transfer TuneCore's Confidential Information (for the avoidance of doubt, this paragraph 3 does not prevent Ms. Khan-Thompson from sending or receiving emails from the faryal.khan.thompson@gmail.com account or from accessing such account as necessary to conduct a pre-settlement conference exchange of information , provided that she does not delete any emails or other content from this account or disseminate any of TuneCore's Confidential Information other than to her counsel or in furtherance of a pre-settlement conference exchange of information, subject to an appropriate confidentiality stipulation and order. TuneCore reserves the right to review and confirm Ms. KhanThompson's compliance with this);

4. Contacting any of the individuals, or their agents, listed on TuneCore's Excel spreadsheet entitled, "#IndependentAF VIPs List for Merch Drop.xlsx," identified on Exhibit F to the declaration of Kevin Bodenheimer, dated November 27, 2023; and it is further

ORDERED, that within five (5) business days of the issuance of this Order, TuneCore, Inc. shall undertake a forensic examination of electronic accounts and devices as described in the forensic examination protocol attached hereto as **Exhibit 1**.

s/Ann M. Donnelly

Hon. Ann M. Donnelly, USDJ